

Shelly Elimelekh (SE-0597)
selimelekh@loeb.com
LOEB & LOEB LLP
345 Park Avenue
New York, New York 10154
Tel: (212) 407-4000

Douglas N. Masters
dmasters@loeb.com
321 North Clark Street, Suite 2300
Chicago, Illinois 60610
Tel: (312) 464-3100
Fax: (312) 464-3111

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

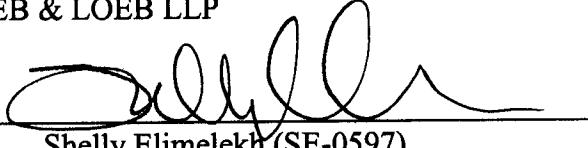
ELSEVIER INC.,)
Plaintiff,)
-against-) Case No. 08 CIV 5482 (GBD)
ENCYCLOPAEDIA BRITANNICA, INC.,) **NOTICE OF MOTION**
Defendant.)

PLEASE TAKE NOTICE that upon the accompanying Declaration of William J. Bowe (with exhibit), sworn to August 26, 2008, the attached Rule 56.1 Statement and the accompanying memorandum of law, defendant Encyclopaedia Britannica, Inc., by its attorneys Loeb & Loeb LLP, will move this Court as soon as counsel can be heard before Hon. George B. Daniels at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, for entry of judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment to defendant on the complaint in this action in its entirety.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Civil Rules of the Southern and Eastern Districts of New York, answering papers shall be filed, if any, 10 business days after service of these moving papers.

Dated: New York, New York
August 26, 2008

LOEB & LOEB LLP

By: 

Shelly Elimelekh (SE-0597)
345 Park Avenue
New York, NY 10154
Tel: (212) 407-4000
Fax: (212) 407-4990

Douglas N. Masters
321 North Clark Street, Suite 2300
Chicago, Illinois 60610
Tel: (312) 464-3100
Fax: (312) 464-3111